

THE GEORGE WASHINGTON UNIVERSITY

MINUTES OF A REGULAR MEETING OF THE FACULTY SENATE
HELD FRIDAY, DECEMBER 13, 1985, IN LISNER HALL, 603

A regular meeting of the Faculty Senate was held Friday, December 13, 1985, in Lisner Hall, Room 603.

Present: President Elliott, Registrar Grimm, Parliamentarian Schechter, Altshuler, Birnbaum, Greene, Griffith, Hill, Kelly, Kenney, Levy, Loeser, Pierpont, D. Robinson, Schiff, Schiller, Tolchin, Wallace, Yezer, and Ziolkowski

Absent: Vice President French, Barron, Castleberry, Cheh, Claeysens, Della Torre, East, Eldridge, Fox, Liebowitz, Lovett, Parrish, Rashid, L. Robinson, Rycroft, Singpurwalla, Smith, and Solomon

While awaiting a quorum, President Elliott called upon Professor Jones for an announcement. Professor Jones announced that a program entitled "We Share the Dream" in observance of the Birthday of Martin Luther King, Jr., would be held Monday, January 20, 1986, at 5:00 p.m., in the Dorothy Betts Marvin Theatre. Professor Jones invited everyone to attend.

The President then called upon Professor Jeanne Snodgrass, an invited guest, for her report on the Wellness Resource Center. Professor Snodgrass presented her report which is attached.

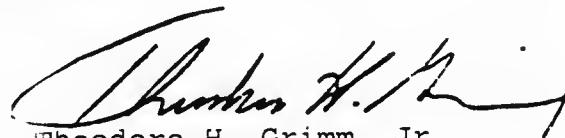
The meeting was then called to order by the President at 2:30 p.m.

The minutes of the regular meeting of November 8, 1985, were approved as distributed.

Under Old Business, Professor Schiff, Co-Chair of the Joint Committee of Faculty and Students, took up the first item of business, "A Resolution to Amend the University Policy on Academic Dishonesty (84/14)." At this point, the President noted that the Senate no longer had a quorum, and, therefore, no official action could be taken on the items of business before the Senate.

An informal discussion of Resolutions 84/14, 85/7, and 85/8 followed by the members.

Upon motion made and seconded, the meeting was adjourned by the President at 3:45 p.m.



Theodore H. Grimm, Jr.
Secretary

Wellness Resource Center Report

Presented by Professor Jeanne Snodgrass

The Faculty Senate
December 13, 1985

Almost a year ago, President Elliott called together a number of people representative of various campus constituencies to explore the University's role in health promotion. The President believed that "GW has the resources, the talents to use these resources effectively, and the responsibility to assume a leadership role in developing a program to create an increased consciousness of wellness among members of the University Community." His initiative was met with electric enthusiasm. An ad hoc committee was formed under the leadership of Provost Johnson and included Mr. Boris Bell, Dean L. Thompson Bowles, Mr. John Harper, Mr. Barry Jagoda, Mr. Tom Rogers, Mr. Howard Seidel, and myself.

The Wellness Committee looked at the status of health promotion efforts on campus as well as reports of the impact of programs in place in the corporate world. Since little data is available related to academic settings, I have begun a survey in an attempt to gather some information about educational institutions.

The first major committee effort was one devoted to the development of a brochure which would document health promotion related activities presently available on campus and help raise the awareness of the campus community concerning the many available programs and activities. Mr. Jagoda, Ms. Sandy Holland, and Mr. David Taylor contributed greatly in pulling together a publication with three points of emphasis--exercise/physical fitness, diet-nutrition, and mental health in addition to available related resources. The brochure was titled "Go For It" and was distributed in March. Campus response was immediate and good. A brief report of the publication of the Wellness booklet in the Chronicle of Higher Education this Fall brought some seventy requests for further information from colleges and universities around the country and from Canada and England.

In July, the Committee accepted with some revision a proposal for the establishment of a Wellness Resource Center in Building K with Dr. Jeanne Snodgrass and the Department of Human Kinetics and Leisure Studies as coordinator and promoter of wellness programs within the University under the administrative direction of the Provost. Activities offered by other constituents of the University continue but are promoted also through the Wellness Resource Center. It was hoped that a designated Center would provide a stronger, less fragmented focus

on health promotion which would improve the visibility of all programs and activities on campus and increase awareness within the GWU Community of the role these factors play in good health.

An HKLS Department Advisory Committee was established and a research assistantship was awarded for the year to help in development of the Center. The recipient is a highly qualified cum laude graduate of the University of Vermont, Miss Susan Lewis. (Introduction of Ms. Lewis) The Center has been quite active this Fall. New programs and activities implemented have included:

1. A very successful Health Fair in September which attracted over 300 people from the GW Community.
2. A weekly news column in The Hatchet dealing with health related topics. News items have been included in the Monday and Friday Reports and The G.W. Times also.
3. In a campaign to encourage women to conduct breast self-examination, instructive posters were strategically placed in the Smith Center and Building K locker rooms.
4. The Center contributed to the promotion and activities of the Alcohol Awareness Week and the Pre-Medical Honor Society's "Celebrate Health Week."
5. A successful smoking cessation program, offered jointly with the American Cancer society, was offered last month. Four members of my department have quit smoking as a result of the program.
6. Walking maps have been developed with campus courses of varied length, 1/2 mile to 1 1/2 miles, to encourage those with tight schedules and those not currently exercising to begin some activity.

A major project is planned for the first of the year, a health risk survey of the GW Community. The assessment will provide data in group profile related to present health behaviors and risk factors within the GW Community as well as offer to individual participants an assessment of their personal status.

Another smoking cessation program will be offered in late January. Registration for this program is almost fully subscribed already. Additional classes in fitness exercise and aerobics will be offered in the Spring semester to accommodate those interested in regular activity.

On January 7th, an artistic interpretation of wellness will be presented in the Marvin Center Colonade Gallery. A reception is planned for January 16th and I hope many of you will join us in that celebration.

A wellness newsletter is planned for distribution in February and will be continued biannually.

In late Spring or early Fall, the Center will offer a "Turnaround" Workshop for those who are interested in modifying their lifestyle towards more healthful living. The workshop's emphasis is on exercise and nutrition knowledge and behavior. It is my hope that it will become easier for University personnel to participate in regular physical activity and also that faculty will look at the needs of students for activity and health knowledge.

I would like to thank the Senate for this opportunity to report to you on the Wellness Resource Center and to commend President Elliott for his initiative in the promotion of increased awareness of wellness within the University community. As a result of his efforts and those of Provost Johnson and the University Wellness Committee, we are among the leaders in higher education health promotion efforts. I wish to express my thanks to them for such leadership.

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.
20052

The Faculty Senate

November 25, 1985

The Faculty Senate will meet on Friday, December 13, 1985,
at 2:10 p.m., in Lisner Hall 603

AGENDA

1. Call to order

2. Approval of the minutes of the regular meeting of
November 8, 1985

3. Old Business:

A RESOLUTION TO AMEND THE UNIVERSITY POLICY ON
ACADEMIC DISHONESTY (84/14) deferred May 3, 1985,
with accompanying proposed Academic Dishonesty Policy;
Professor Stefan O. Schiff, Co-Chair, Joint Committee
of Faculty and Students (Resolution 84/14 attached
with proposed Policy)

4. Resolutions:

(a) A RESOLUTION ON A PROPOSED NEW UNIVERSITY SMOKING
POLICY (85/7) with accompanying proposed University
Smoking Policy; Associate Professor Jerry L.
Lake, Acting Chairman, Administrative Matters as
They Affect the Faculty Committee (Resolution
85/7 attached with proposed Policy)

(b) A RESOLUTION TO AMEND ARTICLE X AND PROCEDURES
FOR IMPLEMENTATION OF ARTICLE X, PARAGRAPH E, OF
THE FACULTY CODE (85/8); Professor Peter P. Hill,
Chair, Professional Ethics and Academic Freedom
Committee (Resolution 85/8 attached)

(c) A RESOLUTION TO AMEND ARTICLE III OF THE FACULTY
CODE (85/9); Professor Peter P. Hill, Chair,
Professional Ethics and Academic Freedom Committee
(Resolution 85/9 attached)

5. Introduction of Resolutions

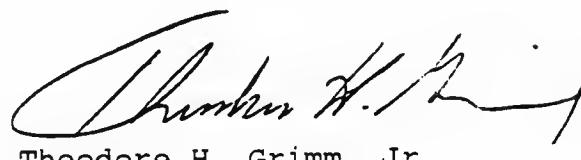
6. Report by Professor Jeanne E. Snodgrass, Chair, Department
of Human Kinetics and Leisure Studies, on the University
Wellness Resource Center

7. General Business:

Report of the Executive Committee: Professor William
B. Griffith, Chair

8. Brief Statements

9. Adjournment


Theodore H. Grimm, Jr.
Secretary

A RESOLUTION TO AMEND THE UNIVERSITY POLICY ON ACADEMIC DISHONESTY (84/14)

WHEREAS, the Joint Committee of Faculty and Students has been asked to make recommendations for amendments and changes to the Academic Dishonesty Policy; and

WHEREAS, the Joint Committee was asked in Spring, 1980, to review its proposal of April 1980; and

WHEREAS, the Joint Committee has approved the attached proposed Academic Dishonesty Policy after due and lengthy consideration; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate approve the proposed Academic Dishonesty Policy to replace the policy now in existence effective Academic Year 1986-87.

Joint Committee of Faculty and Students
January 23, 1985

Deferred, February 8, 1985, to the March 8, 1985, Senate meeting for discussion and to the April 12, 1985, Senate meeting for final action

Deferred, April 12, 1985, to the May 3, 1985, Senate meeting

Deferred, May 3, 1985, to Spring 1986

EXISTING POLICY

THE GEORGE WASHINGTON UNIVERSITY

UNIVERSITY POLICY ON ACADEMIC DISHONESTY

August 8, 1977

11/22/85

The University community in order to fulfill its purposes must establish and maintain guidelines of academic behavior. Although all members of the community are expected to exhibit honesty and competence in their academic work, incoming students to all colleges and divisions have a special responsibility to acquaint themselves with, and make use of, all proper procedures for doing research, writing papers and taking examinations.

To insure that such procedures are known, instructors of basic survey courses must provide their students with information sheets setting forth those procedures and giving examples of plagiarism and other acts of academic dishonesty.

Members of the community will, thereafter, be presumed to be familiar with the proper academic procedures and held responsible for applying them. Deliberate failure to act in accordance with such procedures will be considered academic dishonesty. Failure to observe these procedures by reason of ignorance or inadvertence constitutes academic incompetence. Faculty members must decide whether a student's noncompliance is an act of dishonesty or an act of incompetence. Although incompetence may be dealt with in the normal evaluative manner, acts of academic dishonesty are a legal, moral, and intellectual offense against the community and cannot be tolerated.

THE GEORGE WASHINGTON UNIVERSITY

UNIVERSITY POLICY ON ACADEMIC DISHONESTY

INTRODUCTION

The University community in order to fulfill its purposes must encourage the pursuit of academic excellence in an environment which promotes honesty, integrity and fairness. All members of the community are expected to exhibit honesty and competence in their academic work and to share the responsibility to secure and respect general conditions conducive to an atmosphere of academic honesty.

It is the responsibility of University administrators to publicize appropriately the University Policy on Academic Dishonesty. Different schools and divisions may develop supplemental guidelines in conformity with this University policy and the Statement of Student Rights and Responsibilities, providing such guidelines are clearly publicized and made available to students and faculty.

It is the responsibility of department chairpersons to see that, if needed, supplemental guidelines for academic competence and honesty appropriate to their disciplines are developed and publicized.

Teachers of basic introductory courses, undergraduate and graduate, should recommend to students that they acquaint themselves with the University Policy on Academic Dishonesty. They must provide their students with a copy of any departmental guidelines developed to complement the Academic Dishonesty policy.

It is the responsibility of all students at the University to read and familiarize themselves with the University Policy on Academic Dishonesty. If the propriety of certain conduct in light of the University community's norm of academic honesty is in doubt, students must seek the advice of faculty.

Members of the academic community are presumed to be familiar with proper academic procedures and held responsible for applying them. Deliberate failure to act in accordance with such procedures will be considered academic dishonesty. Failure to observe these procedures by reason of ignorance or inadvertence constitutes academic incompetence. A faculty member must decide whether to consider a student's noncompliance as an act of dishonesty or an act of incompetence. Although incompetence may be dealt with in the normal evaluative manner, acts of academic dishonesty must be treated as moral and intellectual offenses against the academic community and cannot be tolerated.

All members of the community, students and faculty members alike, have a responsibility to prevent acts of academic dishonesty, or, if they have occurred, to note and act upon them and to keep them from recurring. Some examples of academically dishonest behavior include:

1. Plagiarism.
2. Copying from another student's examination.
3. Submitting work that was prepared in advance for an in-class examination.
4. Representing purchased material as one's own work.

The remainder of this statement aims SOLELY at informing students of their rights and responsibilities with respect to academic dishonesty. The procedures outlined below apply to cases of academic dishonesty only, and not to cases of academic incompetence.

DEFINITION

Academic dishonesty is an act of fraud, which may include misrepresentation, deceit, falsification, or trickery of any kind which is done by the student with the purpose, intent or expectation of influencing a grade or other academic evaluation. Academic dishonesty also includes forgery of academic documents, intentionally impeding or damaging the academic work of others, or assisting other students in acts of dishonesty. It is unnecessary and impossible for this policy to anticipate and explicitly define every kind of academic dishonesty; common examples of academically dishonest behavior include:

1. Cheating - intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise; copying from another student's examination; submitting work prepared in advance for an in-class examination; representing material prepared by another as one's own work; violating rules governing administration of examinations.
2. Fabrication - intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
3. Facilitating Academic Dishonesty - intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty.
4. Plagiarism - intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise; failure to attribute direct quotation, paraphrase, or borrowed facts or information.

All members of the academic community have a responsibility to prevent acts of academic dishonesty, or when they have occurred, to note and act upon them and keep them from recurring. Further, aiding, abetting, conspiring with, or assisting any other person to perform any act of academic dishonesty when the person charged had reason to believe that academic dishonesty was involved may properly be considered academic dishonesty. A more detailed definition of various types of academic dishonesty, where such have been promulgated, can be obtained from the appropriate department or dean's office.

The remainder of this statement aims at informing faculty and students of their rights and responsibilities with respect to academic dishonesty. The procedures outlined below, including sanctions, apply to academic dishonesty only, and shall not apply to cases of academic incompetence.

PROCEDURES

When faculty members discover or have brought to their attention instances of apparent academic dishonesty, they must, upon consultation with their departmental chairperson, act to invoke against the alleged offender one or more of the following sanctions:

- (a) A zero for the work product.
- (b) A grade of "F-Academic Dishonesty" for the course or other academic requirement, the notation, "Academic Dishonesty," to be expunged two years after imposition of the penalty, or upon graduation, whichever occurs first.
- (c) A grade of "F-Academic Dishonesty" for the course or other academic requirement, with the notation remaining on the permanent record.
- (d) Expulsion of the student from the University with the notation of "Academic Dishonesty."

A record of the academic dishonesty offense shall be kept in the office of the Dean in the appropriate school or division.

SANCTIONS

When faculty members discover or have brought to their attention instances of apparent academic dishonesty, they must, upon consultation with their departmental chairpersons act to invoke against the alleged offender one or more of the following sanctions:

- a) Rejection of the work product, with the requirement that the student satisfactorily complete compensatory work. If no work product is involved, a written reprimand shall be issued. In either case, a record of this action shall be retained in the Dean's office until graduation, or for one year following the student's termination of enrollment.
- b) A zero for the work product.
- c) A grade of "F-Academic Dishonesty" for the course or other academic requirement, the notation "Academic Dishonesty" to be expunged upon graduation or two years following the student's termination of enrollment.
- d) A grade of "F-Academic Dishonesty" for the course or other academic requirement, with the notation remaining on the student's permanent record.
- e) Suspension from the University for a period not to exceed one year with a notation of "Academic Dishonesty" remaining on the student's permanent record.
- f) Expulsion of the student from the University with the notation "Academic Dishonesty" remaining on the student's permanent record.

The prior disciplinary record of a student shall be considered in establishing the appropriate sanction to be imposed. It should not be factor in the determination of guilt. A record of the academic dishonesty offense shall be kept in the office of the dean in the appropriate school or division.

Failure of faculty to initiate action in cases of apparent academic dishonesty is considered dereliction of professional responsibility and is subject to actions or sanctions of the appropriate school or college.

Students who feel aggrieved by the apparent inaction of faculty in matters of alleged academic dishonesty may appeal for action to the faculty member's department chairperson or dean.

EXISTING POLICY

In all cases where a faculty member imposes, or seeks to impose, one or more of the aforementioned sanctions, he must present the student with a completed copy of the attached form, entitled "Charge of Academic Dishonesty," in which he sets forth the nature of the charge(s) and the nature of the sanction(s).

The faculty member shall also send a copy of this form to the Dean of the school in which the student is registered. The case shall be adjudicated in that school. The faculty member shall also inform the student of the availability at the Dean's Office of copies of this "Statement of University Policy on Academic Dishonesty" and of the "Statement of Student Rights and Responsibilities."

If the faculty member, the student, and the dean all agree that the charge(s) is accurate and that the sanction(s) is appropriate, the fact of this agreement shall be noted by the signatures of all three parties on the copy of the form which shall be deposited with the Dean; and the sanction shall be imposed.

If any of the parties - the student, the professor, or the dean - believes that the charge(s) is not accurate or that the sanction(s) is not appropriate, the non-concurring party or parties may appeal to the Dean's Council (or its divisional equivalent) and, upon further non-concurrence, to the Board of Trustees, through the Office of the Vice President for Academic Affairs.

-4-

INITIAL PROCEDURES

In all cases where a faculty member seeks to impose one or more of the aforementioned sanctions, he must consult with his or her department chair. The faculty member will then be responsible for presenting the student with a completed copy of the "Charge of Academic Dishonesty" form in which the nature of the charges as well as the proposed sanction are set forth. This must occur within two weeks of the time that the offense was brought to the faculty member's attention. Upon presentation of the charges the student will also be provided a copy of the current University Policy on Academic Dishonesty and the "Statement of Student Rights and Responsibilities." The student is entitled to hear the faculty member's evidence and to speak on his or her own behalf. Based on this meeting, should the faculty member be persuaded that the student is innocent, the charges shall be dropped and all records of the charges destroyed.

If the student agrees that the charge is accurate and that the sanction is appropriate, the fact of this agreement shall be noted by the signatures of both on the Charge form and the sanctions shall be imposed. A copy of the signed form shall be deposited with the dean.

INFORMAL HEARING

If the student believes that the charge is not accurate or that the sanction is not appropriate, the case shall be referred for an informal hearing before the dean, or a representative of the dean, of the school in which the alleged offense occurred. The dean's representative shall be a member of the faculty designated by the dean with the concurrence of the dean's council. Both the student and faculty member shall be present at this informal hearing. At this meeting, the student will again be informed of the charge and the evidence in the case and will be allowed to speak on his or her own behalf. The student may be accompanied by an advisor of his or her own choosing who may advise the student but shall not be permitted to speak on the student's behalf. Both parties may produce witnesses on their behalf and disagree with and/or question any witnesses appearing for the other party. The proceedings shall be tape-recorded in cases where the student may be subject to suspension, expulsion, or a permanent notation of academic dishonesty on his/her permanent record.

At the conclusion of the informal hearing, should the student be determined innocent by both the faculty member and the dean (or the dean's representative), the charge shall be dropped and all records of the case destroyed. Otherwise, within seven (7) days of the conclusion of the informal hearing the dean (or dean's representative) shall issue an opinion in writing setting forth his/her findings of fact, conclusion and the appropriate sanction. If the student and faculty member agree with the opinion, this shall be noted in writing to be filed in the dean's office and the sanction shall be imposed. If either the faculty member or the student disagrees with the opinion he or she must, within ten (10) days, file a written appeal with the Vice President for Academic Affairs requesting a review of the case by the Hearing Committee on Academic Dishonesty. The appeal must specify the points of disagreement and the remedy sought.

11/22/85

-5-

HEARING COMMITTEE

The Hearing Committee on Academic Dishonesty shall be composed of a non-voting chair, three faculty members (two of whom shall be from the school in which the alleged offense occurred and at least one of whom shall be from the school in which the charged student is enrolled) and, at the option of the accused student, two students enrolled in the school in which the offense occurred. The Vice President for Academic Affairs shall appoint the chair who shall constitute the Committee from a pool of faculty and students selected by the dean of each school. The Hearing Committee shall be convened within fifteen (15) days of the filing of an appeal.

The Hearing Committee will review the dean's (or the dean's representative's) opinion and all documentary evidence pertinent to the case. It may decide to dispose of the case on the basis of the evidence presented, or may decide to hear new testimony. In the latter instance, the student must be present and will be allowed to disagree with and/or question the testimony. The student may be accompanied by an adviser of his/her choosing who may advise the student but may not speak on the student's behalf. The Hearing Committee may open these proceedings at the request of the student. If the Hearing Committee determines by majority vote that the student is not guilty, all records pertaining to the case will be destroyed. In all other cases, the Hearing Committee shall prepare an opinion summarizing the results of its review, to include a determination of the sanction(s). The opinion of the Hearing Committee shall be final, and will be transmitted to the appropriate dean for the record, and to the student, and the sanction shall be imposed.

The reliance upon evidence shall be determined by fundamental principles of fair play and not upon strict rules of evidence or procedure as are customarily applied in courts of law.

SAFEGUARDS DURING PROCEDURE

Appeals to the Dean's Council or the Board of Trustees shall be conducted in accordance with Section V.B. of the "Statement of Student Rights and Responsibilities."

Should the student be found innocent of the charges, all records of the charges (and the proceedings) shall be destroyed.

Should appeal procedures not be completed before the "due date" for the semester grades, the faculty member shall record the grade "I" for the student until the charges have been finally adjudicated. For other academic requirements (e.g. theses, comprehensive examinations, etc.), no sanctions shall go into effect until the completion of all appeals that are to be undertaken.

SUPPLEMENTAL GUIDELINES

All departmental chairpersons are held responsible for their faculty members' knowledge of and application of the foregoing statement. Chairpersons are also required to develop and to publicize to their students and faculty a set of departmental guidelines for academic competence and honesty appropriate to their discipline. Different schools and divisions are also free to develop supplemental guidelines in conformity with this University policy.

An Ad Hoc Committee of three Trustees shall be appointed by the Chairman of the Board of Trustees Acting for the full Board in considering and rendering a final decision on an appeal.

SAFEGUARDS DURING PROCEDURE

The reliance upon evidence shall be determined by fundamental principles of fair play and not upon strict rules of evidence or procedure as are customarily applied in courts of law.

Should appeal procedures not be completed before the "due date" for the semester grades, the faculty member shall record the grade "I" for the student until the charges have been finally adjudicated. For other academic requirements (e.g. theses, comprehensive examinations, etc.), no sanctions shall go into effect until the completion of all appeals that are to be undertaken.

RECORDS OF PROCEEDINGS

The complete records of academic dishonesty proceedings shall be maintained with the student's academic record in the office of the dean of the school in which the student is enrolled. They should be retained in the dean's office until either the student's graduation, or for one or two years (as specified by the sanction) following the termination of the student's enrollment, whichever is first. Following that period, the written proceedings of cases in which any sanction has been recorded on the student's permanent record will be transmitted to the Office of the Registrar to be filed with the student's permanent record; in cases where no sanction has been recorded on the student's permanent record, the records of the proceedings will be destroyed. Written records of academic dishonesty proceedings retained by the University are available to appropriate University officials, prospective employers and other educational institutions, in accordance with university policy and federal regulations.

THE GEORGE WASHINGTON UNIVERSITY

CHARGE OF ACADEMIC DISHONESTY

DATE: _____

TO: _____
(name of student)

You are charged with _____
(type of academic dishonesty)

for the work product titled _____

date work was submitted _____

for the following class _____
(title of class--department and course number)

Sanction: _____

Witnesses (if any):

Attached to this complaint is: The George Washington University Policy on Academic Dishonesty, and the Statement of Student Rights and Responsibilities.

It is urged that you read and become familiar with these documents. If you wish clarification of the procedures for handling this charge, see your Dean.

You are advised that you have a right to be represented in any proceedings pursuant to this complaint.

A copy of this complaint will be filed with the Dean of the school in which you are registered.

Signed _____
(Professor)

THE GEORGE WASHINGTON UNIVERSITY

CHARGE OF ACADEMIC DISHONESTY

DATE: _____

TO: _____
(name of student)

You are charged with _____
(type of academic dishonesty)

for the work product titled _____

date work was submitted _____

for the following class _____
(title of class--department and course number)

Sanction: _____

Witnesses (if any):

Attached to this complaint is: The George Washington University Policy on Academic Dishonesty, and the Statement of Student Rights and Responsibilities.

It is urged that you read and become familiar with these documents. If you wish clarification of the procedures for handling this charge, see your Dean.

Signed _____
(Professor)

A RESOLUTION ON A PROPOSED NEW UNIVERSITY SMOKING POLICY (85/7)

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the proposed University Smoking Policy be approved with the following amendments:

(1) Section III. EXCEPTIONS, Paragraph C. Residence Halls be amended as follows:

(underlining and dashes indicate amendments)

The Office of Housing and Residence Life attempts to assign students to rooms according to smoking preferences. Therefore, Smoking is permitted in residence hall rooms, if all room residents agree. However, smokers must be aware of, and make necessary adjustments to, situations in which smoke may have an unfavorable effect on roommates. in the absence of agreement between students sharing a room, smoking will be prohibited.

(2) Section V. SIGNS be amended as follows:

(underlining indicates amendments)

It is the intent of this policy statement that smoking will be prohibited in all public areas except those areas where smoking is specifically permitted. Such areas will be selected by the Physical Plant Department in coordination with all department heads concerned and with the Safety Department, and signs will be installed as appropriate. Areas selected should have proper ventilation and should not create a noise problem adjacent to classrooms from smokers congregated there. Desk top, tent-type signs reading "Thank You for not Smoking" and "Smoking Permitted in this Area" are available from University Stores in the Support Building for a small charge. Departments are encouraged to obtain and use them as appropriate.

The Committee on Administrative Matters
as They Affect the Faculty

November 22, 1985

PROPOSED POLICY

THE GEORGE WASHINGTON UNIVERSITY

SMOKING POLICY

I. GENERAL STATEMENT

Recognizing that the inhalation of tobacco smoke is hazardous to health, the University is taking positive steps toward providing a more smoke-free environment for students, faculty, and staff.

This policy will become effective on January 1, 1986. The University will sponsor on-going programs which are intended to foster an understanding of the policy and to encourage compliance.

The medical staff have adopted policies governing smoking in the University hospital. These policies are incorporated herein by reference.

II. GENERAL POLICY

Smoking is prohibited in all University buildings and facilities except in areas which are specifically designated as "Smoking Permitted." Other exceptions to this general policy are enumerated in Section III.

V. SIGNS

It is the intent of this policy statement that smoking will be prohibited in all public areas except those areas where smoking is specifically permitted. Such areas will be selected by the Physical Plant Department in coordination with the Safety Department, and signs will be installed as appropriate.

Desk top, tent type signs reading "Thank you for not Smoking" and "Smoking Permitted in this Area" are available from University stores in the Support Building for a small charge. Departments are encouraged to obtain and use them as appropriate.

VI. RESPONSIBILITY

The Provost has overall responsibility for implementing this policy. Officers, chairs, and managers are responsible for implementing this policy in their units and shall inform students, faculty, and administrative and staff employees under their jurisdictions of the provisions of this policy by making copies available and by other means.

Questions about this policy or its implementation may be referred to the Provost, the appropriate Vice President, the Dean for Administrative Affairs of the Medical Center, the Director of Personnel or Directors of Safety.

III. EXCEPTIONS

A. Investment Properties are not covered by this policy.

B. Offices

Private offices - Smoking may be permitted in private offices. Nonetheless, smokers must be aware of, and make necessary adjustments to, situations in which their smoking may have an adverse effect on persons occupying adjacent areas or on visiting non-smokers.

Shared offices - In offices shared by two or more individuals, any of whom are non-smokers, smoking is prohibited unless the non-smokers specifically agree to permit smoking.

C. Residence Halls - The Office of Housing and Residence Life attempts to assign students to rooms according to smoking preferences. Therefore, smoking is permitted in residence hall rooms. However, smokers must be aware of, and make necessary adjustments to, situations in which smoke may have an unfavorable effect on roommates.

IV. APPLICABILITY

All George Washington University faculty, staff, students, and visitors are required to comply with this policy. Visitors will be informed of this policy by University personnel.

A RESOLUTION TO AMEND ARTICLE X AND PROCEDURES
FOR IMPLEMENTATION OF ARTICLE X, PARAGRAPH E, OF
THE FACULTY CODE (85/8)

WHEREAS, the University Administration has taken exception to Senate Resolutions 84/4 and 84/5, both of which proposed amendments to Article X of the Faculty Code intended:

- (1) "to clarify the language of the Faculty Code as to what violations of rights and responsibilities may give rise to grievances," and
- (2) "to provide an alternative method of dispute resolution by arbitration;" and

WHEREAS, the Committee on Professional Ethics and Academic Freedom has considered the Administration's objections and suggestions for modification and/or deletion of language contained in Resolutions 84/4 and 84/5;
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Article X and Procedures for Implementation of Article X, Paragraph E, of the Faculty Code, as amended by Senate Resolutions 84/4 and 84/5, be further amended as follows:

(Note: The earlier amended language appears in the right-hand column; the further amends proposed by the Professional Ethics and Academic Freedom Committee appear in the left-hand column.)

Committee on Professional Ethics and Academic Freedom

December 13, 1985

FACULTY CODE

X. RIGHTS, PRIVILEGES AND RESOLUTION OF DISPUTES
UNDER THIS CODEA. Rights and Privileges Under This Code

delete

The rights, privileges, and responsibilities of a faculty member conferred by this Code or by governing principles of law shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities or-a-charge-of-enfuis or-discriminatory-treatment-based-on-race, color,-religion,-sex,-national-origin,-or other--considerations-prohibited-by-law-with regard-to-conditions-of-employment, shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

B. Grievances

To maintain a grievance, the complaining party must allege a violation of professional rights or privileges concerning academic freedom, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

- 1) acts of discrimination prohibited by Federal or local law;
- 2) failure to follow the Faculty Code and Handbook and other rules, regulations and procedures established by the University;
- 3) arbitrary and capricious University actions; or arbitrary and capricious applications of Federal or local statutes and regulations; or
- 4) University action motivated by prejudicial malice or retaliation for exercise of Code-protected rights.

B. Grievable or Arbitrable Issues1. Grievances

To maintain a grievance, the complaining party must allege either:

- a) a violation of professional rights or privileges concerning such matters as academic freedom, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, such as an unjust action from
 - 1) violation of law;
 - 2) unfair procedure or failure to follow established procedures;
 - 3) University action motivated by prejudicial malice or retaliation for exercise of protected rights; or
 - 4) University action without a reasoned basis in fact or University records;
- b) serious misconduct by a faculty member or significant neglect of a faculty member's responsibilities, in which case a complaint may be brought by regular active status faculty.

delete

2. Arbitration

To maintain an arbitrable complaint over administrative actions or practices, the complaining party must allege a substantial injury affecting professional status or activities, such as teaching assignments, salary, assignment of office space or other support of professional activities. The complaint must have a basis in contract, or academic tradition, or local custom.

3. Jurisdiction in Mixed Complaints

If a grievance is properly alleged, the Dispute Resolution Committee shall have jurisdiction over all related administrative matters that would otherwise be resolved by arbitration.

3. Formal Proceedings

a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Dispute Resolution Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or responsibilities under the Faculty Code alleged to have been violated, or the substantial injury allegedly inflicted, the specific act or acts alleged to constitute the violation, or to have inflicted the injury, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance or arbitration may be maintained on the basis of error which did not affect the substantial rights of the complainant.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Dispute Resolution Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties. -4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

(Paragraph 2) to read, with indicated deletions:

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance may be maintained on the basis of error which did not affect the substantial rights of the complainant.

b) Hearing Committee and Hearing Officer

1) Upon receipt of the complaint and reply, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, consider whether the matter in dispute is suitable for arbitration; and if he finds it so, shall forward offer arbitration to the parties.
 AGREEMENT TO ARBITRATION/IS/MADE/BY/THE/PARTIES/TO/ACCEPT
 THE/ARBITRATOR/S/award//IF/THE/PARTIES/AGREE/THE
 CHAIRMAN/OF/THE/DISPUTE/RESOLUTION/COMMITTEE/SHALL
 INITIATE/THE/ARBITRATION//PROCESS/AS/SPECIFIED/BELOW.
 IF/THE/MATTER/IN/DISPUTE/IS/NOT/SUITABLE/FOR
 ARBITRATION/OR/THE/PARTIES/DO/NOT/AGREE/ON
 ARBITRATION/THE/CHAIRMAN/OF/THE/DISPUTE/RESOLUTION
 COMMITTEE/SHALL/APPOINT/A/Hearing/Committee/AND/Hearing/
 OFFICER/AS/PROVIDED/BELOW/TO/CONSIDER/WHETHER/A
 GRIEVANCE/MAY/BE/MADE/

delete —

3. Formal Proceedings

delete

a) Commencement of Proceedings /cont./

Add new section:

5) Arbitration shall not be initiated unless all parties to the dispute agree to arbitration. Where a dispute contains issues that are arbitrable only and issues that are grievable, the parties may agree to sever the issues which are arbitrable only and arbitrate only those issues. If the parties agree to arbitration, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and a Hearing Officer as provided below to consider whether a grievance may be maintained.

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Proceedings

b) Arbitration

~~1. Upon mutual agreement to arbitration, an arbitrator shall be picked designated by the Chairman of the Dispute Resolution Committee, in consultation with the Executive Committee, from a panel of University faculty who are qualified by selected on the basis of their experience and training. The complainant Any party may make one preemptory challenge to the arbitrator appointed. Any party may also challenge for cause the arbitrator appointed, in which case the Dispute Resolution Committee shall review the challenge, and if it is found justified, the Chairman shall appoint another arbitrator.~~

~~2) The Arbitrator shall request expeditiously that the parties concerned submit documents and other information enabling the arbitrator to determine that an arbitrable dispute exists. This initial activity may include interviewing the parties. If the arbitrator finds that the dispute is not an arbitrable one under Article X.B.2. of the Code, he shall return the dispute to the Dispute Resolution Committee for disposition. Otherwise a time for hearing shall be set as soon as all parties can appear.~~

~~3) The arbitration hearing is less formal than that for resolving grievances, and emphasis shall be on a complete and fair presentation of the issues. The parties shall have access to all documents submitted to the arbitrator, except documents pertaining to individual faculty salaries. The arbitrator may question witnesses and otherwise assist the parties to present the information needed to make an informed decision. Each party may make a closing statement after all testimony has been presented.~~

Add new section:

~~4) The task of the arbitrator is not to substitute his/her judgment for that of the makers of the decision which is being challenged unless he/she finds that a substantial injury has resulted from an arbitrary and capricious action.~~

DELETE

E. PROCEDURES

3. Formal Proceedings

b) Arbitration /cont./

DELETE

4) 5) The award and a written reason for the decision shall be prepared by the arbitrator within 60 days from conclusion of the hearing. A copy shall be sent to the faculty member, another parties to the dispute, and the Dispute Resolution Committee. The award is binding on the parties, including the University, should it be a party.

b) c) Hearing Committee and Hearing Officer

If the issue in dispute is not suitable for arbitration or the parties fail to agree to binding arbitration, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training, but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

(Delete rest of original section.)

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by preemptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chairman of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

(pick up from b) 1) on page 2)

b) Hearing Committee and
Hearing Officer /cont./

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chairman of the Dispute Resolution Committee shall convene the Hearing Committee to review the Complaint. If a defendant/moves to dismiss and if the Chairman of the Dispute Resolution Committee and two members of the Hearing Committee or if a majority of the Hearing Committee, after an opportunity for informal argument by the parties, finds that the complaint does not allege facts sufficient to state a grievance under the Code or that the complaint is based upon evidence or allegations which are substantially the same as those that have been previously heard and decided, or which could have been presented in a previous hearing, or that the complaint raises, in whole or in part, issues that are arbitrary only, the

~~delete —~~

complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If ten members a majority of the Dispute Resolution Committee (the Chairman and the members of the Hearing Committee) concludes that for any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed, in whole or in part, and the matters dismissed deemed closed.

Add new section:

4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and establish a schedule for the hearing.

4) 5) No change

Add new section:

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy, as

b) E. PROCEDURES FOR IMPLEMENTATION

3. Formal Procedures

b) ~~a)~~ Hearing Committee and Hearing Officer
/cont./

these are acted upon by the Hearing Committee. The Hearing Officer signs dispositive orders of the Hearing Committee only to authenticate them.

Add new section:

7) Members of hearing committees, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.

c)

3. Formal Proceedings

(Res. 84/5) 6.

~~e) d) Procedure for Hearings~~

1) No change

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of the allegation that a right or a responsibility has been violated. [In order to achieve that end, the Hearing Committee shall have authority to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and also any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties.]

In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is privilege

The University will make a reasonable effort to facilitate the appearance of witnesses.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence which is not privileged. The Hearing Committee may decline to consider evidence where its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf, to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and to call any other person who

The parties shall be entitled to testify on their own behalf, to call as material witnesses any member of the University faculty, administration, or staff, and to call any other person who

The University will make a reasonable effort to facilitate the appearance of witnesses.

is willing to testify; to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn-depositions-may-be-received-in-evidence-at-the-discretion-of-the-Hearing-Committee. A party shall be entitled to inspect and copy in advance of the hearing, any relevant documents in the control of the other party and not privileged, and may offer such documents or excerpts therefrom in evidence.

3. Formal Proceedings

c)

~~e, f, g)~~ Procedure for Hearings /cont./

4) No change

5) No change

6) No change

~~7) At the conclusion of the presentation of evidence and argument from both sides the Committee shall deliberate and reach a decision in closed session. In rendering its decision the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged but rather it shall determine whether the grievant has established clear and convincing evidence that he/she has suffered a substantial injury resulting from: 1) acts of discrimination prohibited by Federal or local law; 2) the decision-maker's failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations and procedures established by the University; 3) arbitrary and capricious University actions; or arbitrary and capricious applications of Federal or local statutes and regulations; or 4) University action motivated by prejudicial malice or retaliation for exercise of Code-protected rights.~~

~~8) Within ten calendar days~~ The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties and to the Chairman of the Dispute Resolution Committee.

Add new section:

~~9) The hearing procedures shall be concluded and the Hearing Committee's decision shall be rendered as soon as practicable.~~

A RESOLUTION TO AMEND ARTICLE III OF THE FACULTY CODE (85/9)

Whereas, the University Administration has disallowed an amendment to Article X of the Faculty Code that would have permitted faculty to maintain a grievance by alleging a colleague's serious misconduct or significant neglect of responsibility, and to bring a complaint thereunder to arbitration; and

Whereas, both tradition and current practice suggest that University faculty, like the members of other professions, be held to self-imposed standards of conduct, therefore:

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the following statement of professional responsibility be inserted (1) as a new Section B under Article III of the Faculty Code, with appropriate re-lettering of the Sections that follow, and (2) on page 20 of the most recent edition of the Faculty Handbook:

Members of the faculty have a duty to notify the appropriate administrative officers of the University of their knowledge of any serious faculty misconduct as a member of the faculty or significant neglect of faculty responsibilities. Although such notification should normally be made to the department chair or to the dean, a member of the faculty may also bring such information about misconduct or neglect to the Vice President for Academic Affairs.

The Committee on Professional Ethics and Academic Freedom
November 22, 1985

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.
20052

The Faculty Senate

November 25, 1985

The Faculty Senate will meet on Friday, December 13, 1985,
at 2:10 p.m., in Lisner Hall 603

AGENDA

1. Call to order

2. Approval of the minutes of the regular meeting of
November 8, 1985

3. Old Business:

A RESOLUTION TO AMEND THE UNIVERSITY POLICY ON
ACADEMIC DISHONESTY (84/14) deferred May 3, 1985,
with accompanying proposed Academic Dishonesty Policy;
Professor Stefan O. Schiff, Co-Chair, Joint Committee
of Faculty and Students (Resolution 84/14 attached
with proposed Policy)

4. Resolutions:

(a) A RESOLUTION ON A PROPOSED NEW UNIVERSITY SMOKING
POLICY (85/7) with accompanying proposed University
Smoking Policy; Associate Professor Jerry L.
Lake, Acting Chairman, Administrative Matters as
They Affect the Faculty Committee (Resolution
85/7 attached with proposed Policy)

(b) A RESOLUTION TO AMEND ARTICLE X AND PROCEDURES
FOR IMPLEMENTATION OF ARTICLE X, PARAGRAPH E, OF
THE FACULTY CODE (85/8); Professor Peter P. Hill,
Chair, Professional Ethics and Academic Freedom
Committee (Resolution 85/8 attached)

(c) A RESOLUTION TO AMEND ARTICLE III OF THE FACULTY
CODE (85/9); Professor Peter P. Hill, Chair,
Professional Ethics and Academic Freedom Committee
(Resolution 85/9 attached)

5. Introduction of Resolutions

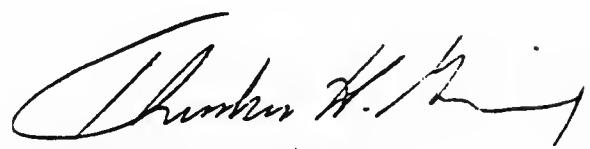
6. Report by Professor Jeanne E. Snodgrass, Chair, Department
of Human Kinetics and Leisure Studies, on the University
Wellness Resource Center

7. General Business:

Report of the Executive Committee: Professor William
B. Griffith, Chair

8. Brief Statements

9. Adjournment


Theodore H. Grimm, Jr.
Secretary

A RESOLUTION TO AMEND THE UNIVERSITY POLICY ON ACADEMIC DISHONESTY (84/14)

WHEREAS, the Joint Committee of Faculty and Students has been asked to make recommendations for amendments and changes to the Academic Dishonesty Policy; and

WHEREAS, the Joint Committee was asked in Spring, 1980, to review its proposal of April 1980; and

WHEREAS, the Joint Committee has approved the attached proposed Academic Dishonesty Policy after due and lengthy consideration; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate approve the proposed Academic Dishonesty Policy to replace the policy now in existence effective Academic Year 1986-87.

Joint Committee of Faculty and Students
January 23, 1985

Deferred, February 8, 1985, to the March 8, 1985, Senate meeting for discussion and to the April 12, 1985, Senate meeting for final action

Deferred, April 12, 1985, to the May 3, 1985, Senate meeting

Deferred, May 3, 1985, to Spring 1986

EXISTING POLICY

THE GEORGE WASHINGTON UNIVERSITY

UNIVERSITY POLICY ON ACADEMIC DISHONESTY

August 8, 1977

11/22/85

The University community in order to fulfill its purposes must establish and maintain guidelines of academic behavior. Although all members of the community are expected to exhibit honesty and competence in their academic work, incoming students to all colleges and divisions have a special responsibility to acquaint themselves with, and make use of, all proper procedures for doing research, writing papers and taking examinations.

To insure that such procedures are known, instructors of basic survey courses must provide their students with information sheets setting forth those procedures and giving examples of plagiarism and other acts of academic dishonesty.

Members of the community will, thereafter, be presumed to be familiar with the proper academic procedures and held responsible for applying them. Deliberate failure to act in accordance with such procedures will be considered academic dishonesty. Failure to observe these procedures by reason of ignorance or inadvertence constitutes academic incompetence. Faculty members must decide whether a student's noncompliance is an act of dishonesty or an act of incompetence. Although incompetence may be dealt with in the normal evaluative manner, acts of academic dishonesty are a legal, moral, and intellectual offense against the community and cannot be tolerated.

THE GEORGE WASHINGTON UNIVERSITY

UNIVERSITY POLICY ON ACADEMIC DISHONESTY

INTRODUCTION

The University community in order to fulfill its purposes must encourage the pursuit of academic excellence in an environment which promotes honesty, integrity and fairness. All members of the community are expected to exhibit honesty and competence in their academic work and to share the responsibility to secure and respect general conditions conducive to an atmosphere of academic honesty.

It is the responsibility of University administrators to publicize appropriately the University Policy on Academic Dishonesty. Different schools and divisions may develop supplemental guidelines in conformity with this University policy and the Statement of Student Rights and Responsibilities, providing such guidelines are clearly publicized and made available to students and faculty.

It is the responsibility of department chairpersons to see that, if needed, supplemental guidelines for academic competence and honesty appropriate to their disciplines are developed and publicized.

Teachers of basic introductory courses, undergraduate and graduate, should recommend to students that they acquaint themselves with the University Policy on Academic Dishonesty. They must provide their students with a copy of any departmental guidelines developed to complement the Academic Dishonesty policy.

It is the responsibility of all students at the University to read and familiarize themselves with the University Policy on Academic Dishonesty. If the propriety of certain conduct in light of the University community's norm of academic honesty is in doubt, students must seek the advice of faculty.

Members of the academic community are presumed to be familiar with proper academic procedures and held responsible for applying them. Deliberate failure to act in accordance with such procedures will be considered academic dishonesty. Failure to observe these procedures by reason of ignorance or inadvertence constitutes academic incompetence. A faculty member must decide whether to consider a student's noncompliance as an act of dishonesty or an act of incompetence. Although incompetence may be dealt with in the normal evaluative manner, acts of academic dishonesty must be treated as moral and intellectual offenses against the academic community and cannot be tolerated.

All members of the community, students and faculty members alike, have a responsibility to prevent acts of academic dishonesty, or, if they have occurred, to note and act upon them and to keep them from recurring. Some examples of academically dishonest behavior include:

1. Plagiarism.
2. Copying from another student's examination.
3. Submitting work that was prepared in advance for an in-class examination.
4. Representing purchased material as one's own work.

The remainder of this statement aims SOLELY at informing students of their rights and responsibilities with respect to academic dishonesty. The procedures outlined below apply to cases of academic dishonesty only, and not to cases of academic incompetence.

DEFINITION

Academic dishonesty is an act of fraud, which may include misrepresentation, deceit, falsification, or trickery of any kind which is done by the student with the purpose, intent or expectation of influencing a grade or other academic evaluation. Academic dishonesty also includes forgery of academic documents, intentionally impeding or damaging the academic work of others, or assisting other students in acts of dishonesty. It is unnecessary and impossible for this policy to anticipate and explicitly define every kind of academic dishonesty; common examples of academically dishonest behavior include:

1. Cheating - intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise; copying from another student's examination; submitting work prepared in advance for an in-class examination; representing material prepared by another as one's own work; violating rules governing administration of examinations.
2. Fabrication - intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
3. Facilitating Academic Dishonesty - intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty.
4. Plagiarism - intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise; failure to attribute direct quotation, paraphrase, or borrowed facts or information.

All members of the academic community have a responsibility to prevent acts of academic dishonesty, or when they have occurred, to note and act upon them and keep them from recurring. Further, aiding, abetting, conspiring with, or assisting any other person to perform any act of academic dishonesty when the person charged had reason to believe that academic dishonesty was involved may properly be considered academic dishonesty. A more detailed definition of various types of academic dishonesty, where such have been promulgated, can be obtained from the appropriate department or dean's office.

The remainder of this statement aims at informing faculty and students of their rights and responsibilities with respect to academic dishonesty. The procedures outlined below, including sanctions, apply to academic dishonesty only, and shall not apply to cases of academic incompetence.

PROCEDURES

When faculty members discover or have brought to their attention instances of apparent academic dishonesty, they must, upon consultation with their departmental chairperson, act to invoke against the alleged offender one or more of the following sanctions:

- (a) A zero for the work product.
- (b) A grade of "F-Academic Dishonesty" for the course or other academic requirement, the notation, "Academic Dishonesty," to be expunged two years after imposition of the penalty, or upon graduation, whichever occurs first.
- (c) A grade of "F-Academic Dishonesty" for the course or other academic requirement, with the notation remaining on the permanent record.
- (d) Expulsion of the student from the University with the notation of "Academic Dishonesty."

A record of the academic dishonesty offense shall be kept in the office of the Dean in the appropriate school or division.

SANCTIONS

When faculty members discover or have brought to their attention instances of apparent academic dishonesty, they must, upon consultation with their departmental chairpersons act to invoke against the alleged offender one or more of the following sanctions:

- a) Rejection of the work product, with the requirement that the student satisfactorily complete compensatory work. If no work product is involved, a written reprimand shall be issued. In either case, a record of this action shall be retained in the Dean's office until graduation, or for one year following the student's termination of enrollment.
- b) A zero for the work product.
- c) A grade of "F-Academic Dishonesty" for the course or other academic requirement, the notation "Academic Dishonesty" to be expunged upon graduation or two years following the student's termination of enrollment.
- d) A grade of "F-Academic Dishonesty" for the course or other academic requirement, with the notation remaining on the student's permanent record.
- e) Suspension from the University for a period not to exceed one year with a notation of "Academic Dishonesty" remaining on the student's permanent record.
- f) Expulsion of the student from the University with the notation "Academic Dishonesty" remaining on the student's permanent record.

The prior disciplinary record of a student shall be considered in establishing the appropriate sanction to be imposed. It should not be factor in the determination of guilt. A record of the academic dishonesty offense shall be kept in the office of the dean in the appropriate school or division.

Failure of faculty to initiate action in cases of apparent academic dishonesty is considered dereliction of professional responsibility and is subject to actions or sanctions of the appropriate school or college.

Students who feel aggrieved by the apparent inaction of faculty in matters of alleged academic dishonesty may appeal for action to the faculty member's department chairperson or dean.

EXISTING POLICY

In all cases where a faculty member imposes, or seeks to impose, one or more of the aforementioned sanctions, he must present the student with a completed copy of the attached form, entitled "Charge of Academic Dishonesty," in which he sets forth the nature of the charge(s) and the nature of the sanction(s).

The faculty member shall also send a copy of this form to the Dean of the school in which the student is registered. The case shall be adjudicated in that school. The faculty member shall also inform the student of the availability at the Dean's Office of copies of this "Statement of University Policy on Academic Dishonesty" and of the "Statement of Student Rights and Responsibilities."

If the faculty member, the student, and the dean all agree that the charge(s) is accurate and that the sanction(s) is appropriate, the fact of this agreement shall be noted by the signatures of all three parties on the copy of the form which shall be deposited with the Dean; and the sanction shall be imposed.

If any of the parties - the student, the professor, or the dean - believes that the charge(s) is not accurate or that the sanction(s) is not appropriate, the non-concurring party or parties may appeal to the Dean's Council (or its divisional equivalent) and, upon further non-concurrence, to the Board of Trustees, through the Office of the Vice President for Academic Affairs.

-4-

INITIAL PROCEDURES

In all cases where a faculty member seeks to impose one or more of the aforementioned sanctions, he must consult with his or her department chair. The faculty member will then be responsible for presenting the student with a completed copy of the "Charge of Academic Dishonesty" form in which the nature of the charges as well as the proposed sanction are set forth. This must occur within two weeks of the time that the offense was brought to the faculty member's attention. Upon presentation of the charges the student will also be provided a copy of the current University Policy on Academic Dishonesty and the "Statement of Student Rights and Responsibilities." The student is entitled to hear the faculty member's evidence and to speak on his or her own behalf. Based on this meeting, should the faculty member be persuaded that the student is innocent, the charges shall be dropped and all records of the charges destroyed.

If the student agrees that the charge is accurate and that the sanction is appropriate, the fact of this agreement shall be noted by the signatures of both on the Charge form and the sanctions shall be imposed. A copy of the signed form shall be deposited with the dean.

INFORMAL HEARING

If the student believes that the charge is not accurate or that the sanction is not appropriate, the case shall be referred for an informal hearing before the dean, or a representative of the dean, of the school in which the alleged offense occurred. The dean's representative shall be a member of the faculty designated by the dean with the concurrence of the dean's council. Both the student and faculty member shall be present at this informal hearing. At this meeting, the student will again be informed of the charge and the evidence in the case and will be allowed to speak on his or her own behalf. The student may be accompanied by an advisor of his or her own choosing who may advise the student but shall not be permitted to speak on the student's behalf. Both parties may produce witnesses on their behalf and disagree with and/or question any witnesses appearing for the other party. The proceedings shall be tape-recorded in cases where the student may be subject to suspension, expulsion, or a permanent notation of academic dishonesty on his/her permanent record.

At the conclusion of the informal hearing, should the student be determined innocent by both the faculty member and the dean (or the dean's representative), the charge shall be dropped and all records of the case destroyed. Otherwise, within seven (7) days of the conclusion of the informal hearing the dean (or dean's representative) shall issue an opinion in writing setting forth his/her findings of fact, conclusion and the appropriate sanction. If the student and faculty member agree with the opinion, this shall be noted in writing to be filed in the dean's office and the sanction shall be imposed. If either the faculty member or the student disagrees with the opinion he or she must, within ten (10) days, file a written appeal with the Vice President for Academic Affairs requesting a review of the case by the Hearing Committee on Academic Dishonesty. The appeal must specify the points of disagreement and the remedy sought.

11/22/85

-5-

HEARING COMMITTEE

The Hearing Committee on Academic Dishonesty shall be composed of a non-voting chair, three faculty members (two of whom shall be from the school in which the alleged offense occurred and at least one of whom shall be from the school in which the charged student is enrolled) and, at the option of the accused student, two students enrolled in the school in which the offense occurred. The Vice President for Academic Affairs shall appoint the chair who shall constitute the Committee from a pool of faculty and students selected by the dean of each school. The Hearing Committee shall be convened within fifteen (15) days of the filing of an appeal.

The Hearing Committee will review the dean's (or the dean's representative's) opinion and all documentary evidence pertinent to the case. It may decide to dispose of the case on the basis of the evidence presented, or may decide to hear new testimony. In the latter instance, the student must be present and will be allowed to disagree with and/or question the testimony. The student may be accompanied by an adviser of his/her choosing who may advise the student but may not speak on the student's behalf. The Hearing Committee may open these proceedings at the request of the student. If the Hearing Committee determines by majority vote that the student is not guilty, all records pertaining to the case will be destroyed. In all other cases, the Hearing Committee shall prepare an opinion summarizing the results of its review, to include a determination of the sanction(s). The opinion of the Hearing Committee shall be final, and will be transmitted to the appropriate dean for the record, and to the student, and the sanction shall be imposed.

The reliance upon evidence shall be determined by fundamental principles of fair play and not upon strict rules of evidence or procedure as are customarily applied in courts of law.

SAFEGUARDS DURING PROCEDURE

Appeals to the Dean's Council or the Board of Trustees shall be conducted in accordance with Section V.B. of the "Statement of Student Rights and Responsibilities."

Should the student be found innocent of the charges, all records of the charges (and the proceedings) shall be destroyed.

Should appeal procedures not be completed before the "due date" for the semester grades, the faculty member shall record the grade "I" for the student until the charges have been finally adjudicated. For other academic requirements (e.g. theses, comprehensive examinations, etc.), no sanctions shall go into effect until the completion of all appeals that are to be undertaken.

SUPPLEMENTAL GUIDELINES

All departmental chairpersons are held responsible for their faculty members' knowledge of and application of the foregoing statement. Chairpersons are also required to develop and to publicize to their students and faculty a set of departmental guidelines for academic competence and honesty appropriate to their discipline. Different schools and divisions are also free to develop supplemental guidelines in conformity with this University policy.

An Ad Hoc Committee of three Trustees shall be appointed by the Chairman of the Board of Trustees Acting for the full Board in considering and rendering a final decision on an appeal.

SAFEGUARDS DURING PROCEDURE

The reliance upon evidence shall be determined by fundamental principles of fair play and not upon strict rules of evidence or procedure as are customarily applied in courts of law.

Should appeal procedures not be completed before the "due date" for the semester grades, the faculty member shall record the grade "I" for the student until the charges have been finally adjudicated. For other academic requirements (e.g. theses, comprehensive examinations, etc.), no sanctions shall go into effect until the completion of all appeals that are to be undertaken.

RECORDS OF PROCEEDINGS

The complete records of academic dishonesty proceedings shall be maintained with the student's academic record in the office of the dean of the school in which the student is enrolled. They should be retained in the dean's office until either the student's graduation, or for one or two years (as specified by the sanction) following the termination of the student's enrollment, whichever is first. Following that period, the written proceedings of cases in which any sanction has been recorded on the student's permanent record will be transmitted to the Office of the Registrar to be filed with the student's permanent record; in cases where no sanction has been recorded on the student's permanent record, the records of the proceedings will be destroyed. Written records of academic dishonesty proceedings retained by the University are available to appropriate University officials, prospective employers and other educational institutions, in accordance with university policy and federal regulations.

THE GEORGE WASHINGTON UNIVERSITY

CHARGE OF ACADEMIC DISHONESTY

DATE: _____

TO: _____
(name of student)

You are charged with _____
(type of academic dishonesty)

for the work product titled _____

date work was submitted _____

for the following class _____
(title of class--department and course number)

Sanction: _____

Witnesses (if any):

Attached to this complaint is: The George Washington University Policy on Academic Dishonesty, and the Statement of Student Rights and Responsibilities.

It is urged that you read and become familiar with these documents. If you wish clarification of the procedures for handling this charge, see your Dean.

You are advised that you have a right to be represented in any proceedings pursuant to this complaint.

A copy of this complaint will be filed with the Dean of the school in which you are registered.

Signed _____
(Professor)

THE GEORGE WASHINGTON UNIVERSITY

CHARGE OF ACADEMIC DISHONESTY

DATE: _____

TO: _____
(name of student)

You are charged with _____
(type of academic dishonesty)

for the work product titled _____

date work was submitted _____

for the following class _____
(title of class--department and course number)

Sanction: _____

Witnesses (if any):

Attached to this complaint is: The George Washington University Policy on Academic Dishonesty, and the Statement of Student Rights and Responsibilities.

It is urged that you read and become familiar with these documents. If you wish clarification of the procedures for handling this charge, see your Dean.

Signed _____
(Professor)

A RESOLUTION ON A PROPOSED NEW UNIVERSITY SMOKING POLICY (85/7)

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the proposed University Smoking Policy be approved with the following amendments:

(1) Section III. EXCEPTIONS, Paragraph C. Residence Halls be amended as follows:

(underlining and dashes indicate amendments)

The Office of Housing and Residence Life attempts to assign students to rooms according to smoking preferences. Therefore, Smoking is permitted in residence hall rooms, if all room residents agree. However, smokers must be aware of, and make necessary adjustments to, situations in which smoke may have an unfavorable effect on roommates. in the absence of agreement between students sharing a room, smoking will be prohibited.

(2) Section V. SIGNS be amended as follows:

(underlining indicates amendments)

It is the intent of this policy statement that smoking will be prohibited in all public areas except those areas where smoking is specifically permitted. Such areas will be selected by the Physical Plant Department in coordination with all department heads concerned and with the Safety Department, and signs will be installed as appropriate. Areas selected should have proper ventilation and should not create a noise problem adjacent to classrooms from smokers congregated there. Desk top, tent-type signs reading "Thank You for not Smoking" and "Smoking Permitted in this Area" are available from University Stores in the Support Building for a small charge. Departments are encouraged to obtain and use them as appropriate.

The Committee on Administrative Matters
as They Affect the Faculty

November 22, 1985

PROPOSED POLICY

THE GEORGE WASHINGTON UNIVERSITY

SMOKING POLICY

I. GENERAL STATEMENT

Recognizing that the inhalation of tobacco smoke is hazardous to health, the University is taking positive steps toward providing a more smoke-free environment for students, faculty, and staff.

This policy will become effective on January 1, 1986. The University will sponsor on-going programs which are intended to foster an understanding of the policy and to encourage compliance.

The medical staff have adopted policies governing smoking in the University hospital. These policies are incorporated herein by reference.

II. GENERAL POLICY

Smoking is prohibited in all University buildings and facilities except in areas which are specifically designated as "Smoking Permitted." Other exceptions to this general policy are enumerated in Section III.

V. SIGNS

It is the intent of this policy statement that smoking will be prohibited in all public areas except those areas where smoking is specifically permitted. Such areas will be selected by the Physical Plant Department in coordination with the Safety Department, and signs will be installed as appropriate.

Desk top, tent type signs reading "Thank you for not Smoking" and "Smoking Permitted in this Area" are available from University stores in the Support Building for a small charge. Departments are encouraged to obtain and use them as appropriate.

VI. RESPONSIBILITY

The Provost has overall responsibility for implementing this policy. Officers, chairs, and managers are responsible for implementing this policy in their units and shall inform students, faculty, and administrative and staff employees under their jurisdictions of the provisions of this policy by making copies available and by other means.

Questions about this policy or its implementation may be referred to the Provost, the appropriate Vice President, the Dean for Administrative Affairs of the Medical Center, the Director of Personnel or Directors of Safety.

III. EXCEPTIONS

A. Investment Properties are not covered by this policy.

B. Offices

Private offices - Smoking may be permitted in private offices. Nonetheless, smokers must be aware of, and make necessary adjustments to, situations in which their smoking may have an adverse effect on persons occupying adjacent areas or on visiting non-smokers.

Shared offices - In offices shared by two or more individuals, any of whom are non-smokers, smoking is prohibited unless the non-smokers specifically agree to permit smoking.

C. Residence Halls - The Office of Housing and Residence Life attempts to assign students to rooms according to smoking preferences. Therefore, smoking is permitted in residence hall rooms. However, smokers must be aware of, and make necessary adjustments to, situations in which smoke may have an unfavorable effect on roommates.

IV. APPLICABILITY

All George Washington University faculty, staff, students, and visitors are required to comply with this policy. Visitors will be informed of this policy by University personnel.

A RESOLUTION TO AMEND ARTICLE X AND PROCEDURES
FOR IMPLEMENTATION OF ARTICLE X, PARAGRAPH E, OF
THE FACULTY CODE (85/8)

WHEREAS, the University Administration has taken exception to Senate Resolutions 84/4 and 84/5, both of which proposed amendments to Article X of the Faculty Code intended:

- (1) "to clarify the language of the Faculty Code as to what violations of rights and responsibilities may give rise to grievances," and
- (2) "to provide an alternative method of dispute resolution by arbitration;" and

WHEREAS, the Committee on Professional Ethics and Academic Freedom has considered the Administration's objections and suggestions for modification and/or deletion of language contained in Resolutions 84/4 and 84/5;
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Article X and Procedures for Implementation of Article X, Paragraph E, of the Faculty Code, as amended by Senate Resolutions 84/4 and 84/5, be further amended as follows:

(Note: The earlier amended language appears in the right-hand column; the further amendments proposed by the Professional Ethics and Academic Freedom Committee appear in the left-hand column.)

Committee on Professional Ethics and Academic Freedom

December 13, 1985

FACULTY CODE

X. RIGHTS, PRIVILEGES AND RESOLUTION OF DISPUTES
UNDER THIS CODEA. Rights and Privileges Under This Code

delete

The rights, privileges, and responsibilities of a faculty member conferred by this Code or by governing principles of law shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities or-a-charge-of-enfais er-discriminatory-treatment-based-on-race, color, religion, sex, national origin, or other considerations prohibited by law with regard-to-conditions-of-employment, shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

B. Grievances

To maintain a grievance, the complaining party must allege a violation of professional rights or privileges concerning academic freedom, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

- 1) acts of discrimination prohibited by Federal or local law;
- 2) failure to follow the Faculty Code and Handbook and other rules, regulations and procedures established by the University;
- 3) arbitrary and capricious University actions; or arbitrary and capricious applications of Federal or local statutes and regulations; or
- 4) University action motivated by prejudicial malice or retaliation for exercise of Code-protected rights.

B. Grievable or Arbitrable Issues1. Grievances

To maintain a grievance, the complaining party must allege either:

- a) a violation of professional rights or privileges concerning such matters as academic freedom, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, such as:
 - 1) violation of law;
 - 2) unfair procedure or failure to follow established procedures;
 - 3) University action motivated by prejudicial malice or retaliation for exercise of protected rights; or
 - 4) University action without a reasoned basis in fact or University records;
- or b) serious misconduct by a faculty member or significant neglect of a faculty member's responsibilities, in which case a complaint may be brought by regular active status faculty.

delete

2. Arbitration

To maintain an arbitrable complaint over administrative actions or practices, the complaining party must allege a substantial injury affecting professional status or activities, such as teaching assignments, salary, assignment of office space or other support of professional activities. The complaint must have a basis in contract, or academic tradition, or local custom.

3. Jurisdiction in Mixed Complaints

If a grievance is properly alleged, the Dispute Resolution Committee shall have jurisdiction over all related administrative matters that would otherwise be resolved by arbitration.

3. Formal Proceedings

a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Dispute Resolution Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or privileges under the Faculty Code alleged to have been violated, ~~or the substantial injury allegedly inflicted~~, the specific act or acts alleged to constitute the violation ~~or to have inflicted the injury~~, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance or arbitration may be maintained on the basis of error which did not affect the substantial rights of the complainant.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Dispute Resolution Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties. -4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

(Paragraph 2) to read, with indicated deletions:)

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance may be maintained on the basis of error which did not affect the substantial rights of the complainant.

b) Hearing Committee and Hearing Officer

1)

delete

~~Upon receipt of the complaint and reply, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, consider whether the matter in dispute is suitable for arbitration; and if he finds it so, shall ~~recommend~~ offer arbitration to the parties. AGREEMENT TO ARBITRATION binds the parties to accept the arbitrator/s, awards, etc. If the parties agree, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and Hearing Officer as provided below to consider whether a grievance may be maintained.~~

3. Formal Proceedings

delete

a) Commencement of Proceedings /cont./

Add new section:

5) Arbitration shall not be initiated unless all parties to the dispute agree to arbitration. Where a dispute contains issues that are arbitrable only and issues that are grievable, the parties may agree to sever the issues which are arbitrable only and arbitrate only those issues. If the parties agree to arbitration, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and a Hearing Officer as provided below to consider whether a grievance may be maintained.

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Proceedings

b) Arbitration

~~1. Upon mutual agreement to arbitration, an arbitrator shall be picked, designated by the Chairman of the Dispute Resolution Committee, in consultation with the Executive Committee, from a panel of University faculty who are qualified by selected on the basis of their experience and training. The complainant Any party may make one preemtory challenge to the arbitrator appointed. Any party may also challenge for cause the arbitrator appointed, in which case the Dispute Resolution Committee shall review the challenge, and if it is found justified, the Chairman shall appoint another arbitrator.~~

~~2) The Arbitrator shall request expeditiously that the parties concerned submit documents and other information enabling the arbitrator to determine that an arbitrable dispute exists. This initial activity may include interviewing the parties. If the arbitrator finds that the dispute is not an arbitrable one under Article X.B.2. of the Code, he shall return the dispute to the Dispute Resolution Committee for disposition. Otherwise a time for hearing shall be set as soon as all parties can appear.~~

~~3) The arbitration hearing is less formal than that for resolving grievances, and emphasis shall be on a complete and fair presentation of the issues. The parties shall have access to all documents submitted to the arbitrator, except documents pertaining to individual faculty salaries. The arbitrator may question witnesses and otherwise assist the parties to present the information needed to make an informed decision. Each party may make a closing statement after all testimony has been presented.~~

Add new section:

~~4) The task of the arbitrator is not to substitute his/her judgment for that of the makers of the decision which is being challenged unless he/she finds that a substantial injury has resulted from an arbitrary and capricious action.~~

DELETE

E. PROCEDURES

3. Formal Proceedings

b) Arbitration /cont./

DELETE

4) 5) The award and a written reason for the decision shall be prepared by the arbitrator within 60 days from conclusion of the hearing. A copy shall be sent to the faculty member, another parties to the dispute, and the Dispute Resolution Committee. The award is binding on the parties, including the University, should it be a party.

b) c) Hearing Committee and Hearing Officer

If the issue in dispute is not suitable for arbitration or the parties fail to agree to binding arbitration, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training, but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

(Delete rest of original section.)

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by preemptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chairman of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

(pick up from b) 1) on page 2)

b) (5) Hearing Committee and
Hearing Officer /cont./

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chairman of the Dispute Resolution Committee shall convene the Hearing Committee to review the Complaint. If a ~~defendant/moves to dismiss and if the Chairman of the Dispute Resolution Committee moves to dismiss members of the Hearing Committee or if the majority of the Hearing Committee,~~ after an opportunity for informal argument by the parties, finds that the complaint does not allege facts sufficient to state a grievance under the Code or that the complaint is based upon evidence or allegations which are substantially the same as those that have been previously heard and decided, or which could have been presented in a previous hearing, ~~or that the complaint raises, in whole or in part, issues that are arbitrable only, the~~

~~complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If ten members a majority of the Dispute Resolution Committee (including the Chairman and the members of the Hearing Committee) concludes that for any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed, in whole or in part, and the matters dismissed deemed closed.~~

Add new section:

4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and establish a schedule for the hearing.

4) 5) No change

Add new section:

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy, as

b) E. PROCEDURES FOR IMPLEMENTATION

3. Formal Procedures

b) ~~a)~~ Hearing Committee and Hearing Officer
/cont./

these are acted upon by the Hearing Committee. The Hearing Officer signs dispositive orders of the Hearing Committee only to authenticate them.

Add new section:

7) Members of hearing committees, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.

c)

3. Formal Proceedings

(Res. 84/5) 6.

e) ~~d)~~ Procedure for Hearings

1) No change

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of the allegation that a right or a responsibility has been violated. [In order to achieve that end, the Hearing Committee shall have authority to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and also any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties.]

In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is

The University will make a reasonable effort to facilitate the appearance of witnesses.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence which is not privileged. The Hearing Committee may decline to consider evidence where its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties

The parties shall be entitled to testify on their own behalf, to call as material witnesses any member of the University faculty, administration, or staff, and to call any other person who

shall be entitled to testify on their own behalf, to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and to call any other person who is willing to testify; to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn-depositions-may-be-received-in-evidence-at-the-discretion-of-the-Hearing-Committee. A party shall be entitled to inspect and copy in advance of the hearing, any relevant documents in the control of the other party and not privileged, and may offer such documents or excerpts therefrom in evidence.

The University will make a reasonable effort to facilitate the appearance of witnesses.

3. Formal Proceedings

c)

~~c) d) Procedure for Hearings /cont./~~

4) No change

5) No change

6) No change

~~7) At the conclusion of the presentation of evidence and argument from both sides the Committee shall deliberate and reach a decision in closed session. In rendering its decision the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged but rather it shall determine whether the grievant has established clear and convincing evidence that he/she has suffered a substantial injury resulting from: 1) acts of discrimination prohibited by Federal or local law; 2) the decision-maker's failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations and procedures established by the University; 3) arbitrary and capricious University actions; or arbitrary and capricious applications of Federal or local statutes and regulations; or 4) University action motivated by prejudicial malice or retaliation for exercise of Code-protected rights.~~

~~7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The Hearing Committee is not to substitute its judgment for that of the makers of a decision which is being challenged but rather to determine whether a substantial injury has resulted from an action that was arbitrary and capricious or otherwise substantially in violation of the Faculty Code. The vote of a majority shall be determinative.'~~

~~8) Within ten calendar days The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties and to the Chairman of the Dispute Resolution Committee.~~

Add new section:

9) The hearing procedures shall be concluded and the Hearing Committee's decision shall be rendered as soon as practicable.

A RESOLUTION TO AMEND ARTICLE III OF THE FACULTY CODE (85/9)

Whereas, the University Administration has disallowed an amendment to Article X of the Faculty Code that would have permitted faculty to maintain a grievance by alleging a colleague's serious misconduct or significant neglect of responsibility, and to bring a complaint thereunder to arbitration; and

Whereas, both tradition and current practice suggest that University faculty, like the members of other professions, be held to self-imposed standards of conduct, therefore:

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the following statement of professional responsibility be inserted (1) as a new Section B under Article III of the Faculty Code, with appropriate re-lettering of the Sections that follow, and (2) on page 20 of the most recent edition of the Faculty Handbook:

Members of the faculty have a duty to notify the appropriate administrative officers of the University of their knowledge of any serious faculty misconduct as a member of the faculty or significant neglect of faculty responsibilities. Although such notification should normally be made to the department chair or to the dean, a member of the faculty may also bring such information about misconduct or neglect to the Vice President for Academic Affairs.

The Committee on Professional Ethics and Academic Freedom

November 22, 1985